

ELECTRONICALLY FILED

1-226

NICHOLAS P. MILEWSKI, ESQ. - 043992003

THOMAS B. HANRAHAN & ASSOCIATES, LLC

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(201) 525-1011

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*Attorneys for Defendants the County of Hunterdon,
George Melick, William Mennen, Ronald Sworen, Matthew Holt,
Erik Peterson, Robert Walton and Cynthia Yard*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Plaintiff

JOHN FALAT, JR.; MICHAEL RUSSO
AND DEBORA TROUT

vs.

Defendants

THE COUNTY OF HUNTERDON; THE
OFFICE OF THE HUNTERDON COUNTY
PROSECUTOR; J. PATRICK BARNES;
GEORGE MELICK; WILLIAM MENNEN;
RONALD SWOREN; MATTHEW HOLT;
ERIK PETERSON; ROBERT WALTON;
GAETANO DESAPIO; KENNETH ROWE;
EDWARD DEFILLIPIS; CYNTHIA
YARD; BENNET BARLYN; WILLIAM
MCGOVERN; DONNA SIMON; et als.

Civil Action No.

2:12-cv-06804 (FSH/MAH)

Hon. Faith S. Hochberg, U.S.D.J.

**NOTICE OF CROSS-MOTION TO
ENFORCE LIMITED PORTIONS OF
SUBPOENAS AND TO COMPEL
DISCOVERY**

Return Date: June 16, 2014

TO: New Jersey Department of Law and Public Safety
Attn: Deputy Attorney General Jane A. Greenfogel, Esq.
Hughes Justice Complex
25 Market Street
Trenton, New Jersey 08625

ON NOTICE TO:

William. J. Courtney, Esq.

William J. Courtney, LLC
200 Main Street
PO Box 112
Flemington, New Jersey 08822
Attorney for Plaintiffs

Eric L. Harrison, Esq.

Methfessel & Werbel
2025 Lincoln Highway, Suite 200
P.O. Box 3012
Edison, New Jersey 08818
Attorney for Defendants Kenneth Rowe and Edward DeFillipis

Howard B. Mankoff, Esq.

Marshall Dennehey Warner Coleman & Goggin
425 Eagle Rock Avenue, Suite 302
Roseland, New Jersey 07068
Attorney for Defendant Gaetano DeSapio

W. Timothy Howes, Esq.

Howes & Howes
26 Anderson Street
Raritan, New Jersey 08869
Attorney for Defendant Donna Simon

COUNSEL:

PLEASE TAKE NOTICE that on **June 16, 2014 at 10:00 o'clock** in the morning or as soon thereafter as counsel may be heard at the United States District Court, District of New Jersey in Newark, New Jersey the undersigned attorneys for Defendants the County of Hunterdon, George Melick, William Mennen, Ronald Sworen, Matthew Holt, Erik Peterson, Robert Walton and Cynthia

Yard shall make application to the United States District Court, District of New Jersey for an Order Enforcing Limited Portions of Subpoenas served upon the New Jersey Department of Law and Public Safety and the Hunterdon County Prosecutor's Office, and Compelling Discovery.

PLEASE TAKE FURTHER NOTICE that in support of the within application the undersigned shall rely upon the attached Brief submitted on behalf of said Defendants and Certification of Counsel in support thereof, together with the Proof of Service and a proposed form of Order. Oral argument is requested.

THOMAS B. HANRAHAN & ASSOCIATES, LLC
*Attorneys for Defendants the County of
Hunterdon, George Melick, William Mennen,
Ronald Sworen, Matthew Holt, Erik Peterson,
Robert Walton and Cynthia Yard*

By:



NICHOLAS P. MILEWSKI, ESQ.

Dated: June 2, 2014

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Hon. Faith S. Hochberg, U.S.D.J.

**ORDER ENFORCING LIMITED PORTIONS
OF SUBPOENAS, AND COMPELLING
DISCOVERY**

THIS MATTER having come before the Court (the Honorable Faith S. Hochberg, U.S.D.J.) upon the application of Thomas B. Hanrahan & Associates, LLC (Nicholas P. Milewski, Esq. appearing) as attorneys for Defendants the County of Hunterdon,

George Melick, William Mennen, Ronald Sworen, Matthew Holt, Erik Peterson, Robert Walton and Cynthia Yard ("the County Defendants") for an Order Enforcing Limited Portions of Subpoenas served upon the New Jersey Department of Law and Public Safety ("DL&PS") and the Hunterdon County Prosecutor's Office ("HCPO"), and Compelling Discovery; and counsel for DL&PS (DAG Jane A. Greenfogel, Esq.), and counsel for Plaintiffs (William J. Courtney, Esq.) appearing in opposition thereto; and the Court having considered the matter and the moving papers of all parties and the argument of counsel; and good cause appearing therefor:

IT IS ON THIS day of June, 2014:

ORDERED that the County Defendants' Cross-Motion to Enforce Limited Portions of the Subpoenas served upon DL&PS and HCPO, and to Compel DL&PS and HCPO to produce, or to make available for inspection and copying, any and all of the following documents in their possession: 1) a transcript of the Grand Jury proceedings conducted in Hunterdon County which had resulted in the Indictments of Plaintiffs Trout, Russo and Falat; 2) a copy of all documentary evidence presented to the Grand Jury during said proceedings; 3) any presentments returned by the Grand Jury, be and is hereby granted; and

IT IS FURTHER ORDERED that DL&PS's Motion to Quash the
aforementioned subpoenas be and is hereby denied as to the
limited documents identified in the preceding paragraph; and

IT IS FURTHER ORDERED that a copy of this Order be served
upon all counsel within 7 days of the date hereof.

FAITH S. HOCHBERG, U.S.D.J.

Opposition papers filed ()Yes ()No

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Hon. Faith S. Hochberg, U.S.D.J.

CERTIFICATION OF COUNSEL

I, NICHOLAS P. MILEWSKI, ESQ., of full age and being duly
sworn to upon my oath, do hereby depose and say:

1. I am an attorney-at-law of the state of New Jersey,
and an associate with the law firm of Thomas B. Hanrahan &

Associates, LLC, attorneys for Defendants the County of Hunterdon, George Melick, William Mennen, Ronald Sworen, Matthew Holt, Erik Peterson, Robert Walton and Cynthia Yard ("the County Defendants"). I am responsible for the handling of the within matter, and I am fully familiar with the facts and circumstances set forth herein. This Certification is made in Opposition to the Motion to Quash Subpoenas served upon the New Jersey Department of Law and Public Safety ("DL&PS") and the Hunterdon County Prosecutor's Office ("HCPO"), and in support of these Defendants' Cross-Motion Enforcing Limited Portions of Subpoenas served upon DL&PS and HCPO, and Compelling Discovery.

2. The Exhibits attached to the County Defendants' Brief in Opposition to the Motion to Quash Subpoenas served upon the New Jersey Department of Law and Public Safety and the Hunterdon County Prosecutor's Office, and in support of these Defendants' Cross-Motion Enforcing Limited Portions of Subpoenas served upon DL&PS and HCPO, and Compelling Discovery filed on their behalf are true and exact copies of the originals, as contained in our file, including:

Exhibit "A" is a true and exact copy of Plaintiff's Rule 26 Disclosures;


Exhibit "B" is a true and exact copy of a letter dated April 28, 2014 from DAG Greenfogel to the New Jersey Appellate Division;

Exhibit "C" is a true and exact copy of a Document Demand to Defendant Rowe issued on behalf of Plaintiffs in this matter;

Exhibit "D" is a true and exact copy of letters dated April 14, 2014 and May 2, 2014 placing Plaintiffs' counsel on notice that subpoenas would be served upon DL&PS and HCPO, respectively;

3. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false that I am subject to punishment.

THOMAS B. HANRAHAN & ASSOCIATES, LLC
*Attorneys for Defendants the County of
Hunterdon, George Melick, William Mennen,
Ronald Sworen, Matthew Holt, Erik Peterson,
Robert Walton and Cynthia Yard*

By: 

NICHOLAS P. MILEWSKI, ESQ.

Dated: June 2, 2014

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Hon. Faith S. Hochberg, U.S.D.J.

PROOF OF SERVICE

STATE OF NEW JERSEY)

SS:

COUNTY OF BERGEN)

I, JACLYN D'ALESSANDRO, of full age, and being duly sworn to according to law, upon my oath do hereby depose and say:

1. I am a secretary with the law firm of Thomas B. Hanrahan & Associates, LLC.
2. I have caused to be electronically filed Defendants the County of Hunterdon, George Melick, William Mennen, Ronald Sworen, Matthew Holt, Erik Peterson, Robert Walton and Cynthia Yard's Cross-Motion for an Order Enforcing Limited Portions of Subpoenas served upon the New Jersey Department of Law and Public Safety and the Hunterdon County Prosecutor's Office, and Compelling Discovery, together with all supporting documents, with the Clerk of the United States District Court, District of New Jersey on June 2, 2014.
3. I have also caused to be delivered by regular mail a copy of these Defendants' Cross-Motion, together with all supporting documents, to the Chambers of the Honorable Faith S. Hochberg, U.S.D.J. at Room 5037 of the United States Courthouse, District of New Jersey, Martin Luther King, Jr. Federal Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07102 on June 2, 2014 by regular mail.

4. I have also caused to be served a copy of all moving papers and supporting documents, including Defendants' Brief and Certification of Counsel, upon all following counsel of record on June 2, 2014 by regular mail:

New Jersey Department of Law and Public Safety
Attn: Deputy Attorney General Jane A. Greenfogel, Esq.
Hughes Justice Complex
25 Market Street
Trenton, New Jersey 08625

William. J. Courtney, Esq.
William J. Courtney, LLC
200 Main Street
PO Box 112
Flemington, New Jersey 08822
Attorney for Plaintiffs

Eric L. Harrison, Esq.
Methfessel & Werbel
2025 Lincoln Highway, Suite 200
P.O. Box 3012
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Attorney for Defendants Kenneth Rowe and Edward DeFillipis

Howard B. Mankoff, Esq.
Marshall Dennehey Warner Coleman & Goggin
425 Eagle Rock Avenue, Suite 302
Roseland, New Jersey 07068
Attorney for Defendant Gaetano DeSapio

W. Timothy Howes, Esq.
Howes & Howes
26 Anderson Street
Raritan, New Jersey 08869
Attorney for Defendant Donna Simon

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

A handwritten signature in black ink, appearing to read "Jaclyn D'Alessandro", written over a horizontal line.

JACLYN D'ALESSANDRO

Dated: June 2, 2014